

MICHAEL LANGSTON (“Plaintiff”), by and through his counsel, Kimmel & Silverman, P.C., alleges the following against ACE CASH EXPRESS, INC. (“Defendant”):

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act ("TCPA").

2. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

3. Defendant conducts business in the State of Texas and as such, personal jurisdiction is established.

PLAINTIFF'S COMPLAINT

PARTIES

5. Plaintiff is a natural person residing Dallas, Texas.

6. Plaintiff is a “person” as that term is defined by 47 U.S.C. § 153(39).

7. Defendant is a lender with its principal place of business located at 1235 Greenway Drive, Suite 600, Irving TX 75038.

8. Defendant is a “person” as that term is defined by 47 U.S.C. §153(39).

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Plaintiff has a cellular telephone number that he has had for over a year.

11. Plaintiff has only used this number as a cellular telephone number.

12. Beginning in or before April 2016, and continuing through July 2016, Defendant called Plaintiff on his cellular telephone on a repetitive and continuous basis.

13. When contacting Plaintiff on his cellular telephone, Defendant used an automatic telephone dialing system and automatic and/or pre-recorded messages.

14. Plaintiff knew that Defendant as using an automatic telephone dialing system and automatic and/or pre-recorded messages as Defendant’s calls began with a pre-recorded message before Plaintiff was transferred to a live caller.

15. Defendant’s telephone calls were not made for “emergency purposes.”

16. In April 2016, Plaintiff revoked any consent previously given to Defendant to place telephone calls to his cellular telephone number.

1 26. The acts and/or omissions of Defendant were done unfairly, unlawfully,
2 intentionally, deceptively and fraudulently and absent bona fide error, lawful right, legal
3 defense, legal justification or legal excuse.

4 27. As a result of the above violations of the TCPA, Plaintiff has suffered the losses
5 and damages as set forth above entitling Plaintiff to an award of statutory, actual and trebles
6 damages.

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8 WHEREFORE, Plaintiff, MICHAEL LANGSTON, respectfully prays for judgment as
9 follows:

- 10 a. All actual damages suffered pursuant to 47 U.S.C. §227(b)(3)(A);
11 b. Statutory damages of \$500.00 per violative telephone call pursuant to 47
12 U.S.C. §227(b)(3)(B);
13 c. Treble damages of \$1,500 per violative telephone call pursuant to 47
14 U.S.C. §227(b)(3);
15 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
16 e. Any other relief deemed appropriate by this Honorable Court.
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19 **DEMAND FOR JURY TRIAL**

20 PLEASE TAKE NOTICE that Plaintiff, MICHAEL LANGSTON, demands a jury trial
21 in this case.
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Respectfully submitted,

Dated: May 24, 2017

By: /s/ Amy L. B. Ginsburg
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